

Hibbs, David R NWK

From: Hibbs, David R NWK
Sent: Friday, May 23, 2014 2:16 PM
To: 'huffman.diane@epa.gov'
Cc: 'Garcia.Delia@epamail.epa.gov'; Frazier, Mark D NWK; Trier, Patrick H NWK; Schumann, Thomas L NWK; Cory, Luke M NWK
Subject: Request to review case file 2014-00195 (Black Tea Oil) (UNCLASSIFIED)
Attachments: NWK-2014-00195, small 2014-04-18 Field Report.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Diane,

Please reference our final signed copy of the Enforcement Field Level Agreement, Section 3.a.:

"Whenever the Corps identifies a case where EPA has the probable lead, as described in the MOA at Part III. D., the Corps POC will notify and submit a small packet of information to the EPA Water Enforcement Branch Chief to determine if EPA will accept the case. The Corps will provide photocopies or digital copies of all or part of the case file, as needed, for EPA to make its determination. EPA will conduct a Case Assessment Team (CAT) meeting to determine if EPA will accept the case within thirty (30) days of receipt of the case file from the Corps. EPA will email the Corps that they will accept or reject the case."

Per this email, we are requesting your review of this case file to determine if EPA will accept the case. The location of the violation is in Logan County, Kansas.

The project is described in the attached PDF file (1), which includes the Field Report with photos, maps, sketches, and aerial photos. It also contains some past history of violations from the Company with the State of Kansas, showing a pattern for noncompliance. A Notice of Violation Letter will be sent to the violator on 28 May 2014. I would appreciate if you would send me an email verifying that you were able to download the attachment from this email, as it is quite large.

We are sending this case for your review due to the potential for excessive impacts from the unauthorized work (oil rig structure and pipelines in the river channel) and nature of the stream channel impacted, and that an After-the-fact permit evaluation does not seem appropriate at this point in time, as this is a project that would not be permitted under the 404b1 guidelines. If you have any questions, problems downloading the file or wish to discuss the case, please give me a call.

Thanks.

David R. Hibbs
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<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch.aspx>

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